

REMARKS

The Office Action dated September 18, 2003 has been reviewed and carefully considered. Claims 1-16 remain pending, of which the independent claims are 1, 6, 8, 10 and 14. Claims 6 and 8 have been amended as to form only. Reconsideration of the above-identified application, as amended and in view of following remarks, is respectfully requested.

Claims 1 and 14 are objected to for purported informalities characterized as failing to recite process claim steps. Notably, no authority is cited for the purported objection. The objection was apparently concocted as something shy of a rejection under 35 U.S.C. 101.

Section **101** of title 35, United States Code, provides:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 1 recites a “system” (“the system comprising:”) and therefore falls at least within the statutory class of a machine (See the specification, e.g., page 9, line 5 and FIG. 1, ref. nos. 16 and 18). The elements of a machine claim are parts of a machine, not steps that recite functional operations. It is accordingly unclear how the objection is anything but invalid.

As to claim 14, it is directed to a program product stored on a recordable media, which falls at least within the statutory class of a manufacture within 35 U.S.C. 101. The elements of a manufacture are not steps that recite functional operations. The objection of claim 14 is therefore likewise invalid.

Reconsideration and withdrawal of the objections is respectfully requested.

Claims 6-9 stand rejected under 35 U.S.C. 112, first paragraph, for reciting a single means. The independent claims 6 and 8, and therefore their dependent claims 7 and 9, have been corrected to recite plural means. Support for the amendments is found in FIG. 1 and accompanying text in the specification.

Claims 1-14 stand rejected under 35 U.S.C. 103(a) as unpatentable over European Patent Application EP 0 935 363 A1 to Tanaka et al. ("Tanaka") in view of U.S. Patent No. 5,544,328 to Seshadri.

Claim 1 recites:

A cross media error protection system for multimedia data having a plurality of media streams of different type, the system comprising: a packaging system for packaging the multimedia data into discrete packets, wherein each packet includes a plurality of fields, and wherein data segments from each of the media streams are placed into different ones of the plurality of fields; and an insertion system for inserting error protection data into one of the plurality of fields in each packet.

Item 3 of the Office Action suggests that Tanaka discloses a train of packets outputted from multiplexing different media streams, but acknowledges that Tanaka fails to disclose or suggest error protection inserting. Item 3 further suggests that modification of Tanaka in view of Seshadri supplies the missing limitations of claim 1, a proposition that the applicant traverses.

Seshadri is directed to dividing a bitstream into two streams, one having most important bits and the other having less important bits, but does not disclose or suggest "each packet includes a plurality of fields, and wherein data segments from each of the media streams are placed into different ones of the plurality of fields" as explicitly required by the language of claim 1.

In fact, as a counterexample (col. 2, lines 1-11), Seshadri discloses that its methodology may determine, for instance, that the first stream is allocated all of the audio and that the second stream does not carry audio. Moreover, only the vital portions of the video information are allocated to the first stream, the rest being allocated to the second stream. The quantity of video information deemed vital would vary over time with the importance of the particular video data to be immediately processed in the incoming bitstream. The packet in the first stream, at any particular point in time, therefore would receive anywhere from all to none of the video content. Accordingly, although a packet in the first or second stream might include a plurality of fields, the purported Tanaka/Seshadri combination would fail to provide that “each of the media streams are placed into different ones of the plurality of fields” as specified by the invention as recited in claim 1.

Claims 2-5 depend from claim 1 and are deemed not to be rendered obvious by Tanaka/Seshadri for at least the same reasons, although the each merit further consideration based on their respective merits.

As to claim 2, for example, Seshadri fails to disclose or suggest that “a size of each of the plurality of fields is proportional to a size of each of the plurality of media streams” as explicitly required by the language of claim 2. As discussed above, the Seshadri methodology may determine, for instance, that only the vital portions of the video are retained in the first data stream, the quantity of which would vary over time with the importance of the particular video data to be immediately processed in the incoming bitstream. Seshadri thus fails to show or suggest proportionality for “each packet.” Seshadri further fails to show or suggest that the field size would even be more

closely related to the stream size than to the perceived importance of the data being immediately processed. It is also conceivable, in the absence of a suggestion to the contrary, that the relatively greater amount of one media stream in relation to another media stream is handled by intermittently transmitted packets devoted more or entirely to carrying the media which exists in greater amount.

Item 3 of the Office Action dismisses claim 2 by suggesting that the Seshadri unequal protection methodology “inherently” teaches the use of proportional principles with regard to size, and, presumably, if citing to Seshadri for this purported teaching, cites to lines 44-45 of column 3, but the cited passage in no way discloses or suggests proportionality as to size. Accordingly, Seshadri fails to disclose or suggest the invention as recited in claim 2.

Any suggestion that “it would be possible” to configure Tanaka/Seshadri so that it meets the claim limitations would amount to nothing less than pure impermissible hindsight gained by reading the disclosure of the present invention.

Claims 10 and 14 recite “wherein each discrete packet includes a data segment from each of the media streams, and wherein a size of each packet is proportional to the size of each media stream” and are each likewise deemed to be patentable over the cited prior art for at least the same reasons set forth above with regard to claims 1 and 2.

As to claims 6 and 8, the proposed Tanaka/Seshadri combination would not feature the proportionality mentioned above. In particular, the cited references, alone or in combination, do not disclose or suggest that “the sizes of the first and second field are proportional to the sizes of the first and second media stream” as explicitly required by

the language of claim 6. For at least this reason, Tanaka/Seshadri fails to render obvious the invention as recited in claim 6. Reconsideration and withdrawal of the rejection is respectfully requested.


The remaining claims depend from one of the base claims and are each deemed to be patentable over the cited prior art for at least the same reasons, although each claims merits further consideration for its respective additional merits.

For all the foregoing reasons, it is respectfully submitted that all the present claims are patentable in view of the cited references. A Notice of Allowance is respectfully requested.

Respectfully submitted,

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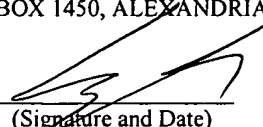

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